

REMARKS

Applicant thanks the Examiner for his attention to the application and particularly for the indication that Claims 7-12, 17-19 and 26-31 would be allowable if rewritten in independent form. Applicant has rewritten those claims and presents them in independent form herewith. Applicant has not included all of the limitations of all of the intervening claims because applicant believes that not all of those limitations are necessary for patentability for the reasons set forth by the Examiner in paragraph 9.

Turning now to the rejected claims, claims 1-5 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 2000-313097 Okada, et al. The Examiner takes the position that Okada shows a transfer application and the peel apparatus for peeling a donor m from a laminated printed media comprising a support path 15 for conveying a plurality of attached laminated printed articles along a first path; a peel guide 12 for guiding the donor to a donor take up reel, the peel guide positioned so that the angle between the donor and the laminated article remains substantially constant as the donor take up reel fills with donor and changes the angle at which with donor leaves the peel guide (see Figure 5).

Applicant respectfully submits that the Examiner mischaracterizes the Japanese publication. For convenience, Figure 5 in the publication appears to correspond to Figure 11 in the U.S. Patent No. 6,500,291.

There is no discussion in the reference of any advantage to maintaining the peeling angle constant and in fact, the contrary is the case. In column 6 of the '291 U.S. Patent, there is extensive discussion of varying the peeling angle by raising of the guide roll 12. Clearly, the guide roll 12 is not fixed and as it moves to a raised position as described, the peeling angle changes.

Moreover, the claim requires that the peeling angle remain constant as the donor take up reel fills with donor and changes the angle at which the donor leaves the peel guide. In the reference, a further guide roll 13 is provided between the take up reel 14 and the peeling roller 12 to insure that the angle at which the donor leaves the peel guide does not change as the take up reel fills with donor. Thus, not only does peel roller 12 move up and down as shown by the arrow, in Figure 5 of the Japanese publication, thereby changing the angle at which the donor leaves the peel guide, but the increase in diameter of the take up roll is

isolated from the peel guide by the further roller 13 as numbered in the 291 U.S. Patent, in both respects, contrary to the claims.

Claim 1 is also rejected under 35 U.S.C. 102(e) as being anticipated by Paulson, et al. The Examiner states that Paulson shows an overcoat peel apparatus for peeling a donor 17 from a laminated printed media comprising a support path 22 for conveying a plurality of attached laminated printed articles along a first paper path; and a peel guide 48 for guiding the donor to a donor take up reel 20, the peel guide positioned so that the angle between the donor and the laminated article remains substantially constant as the donor take up reel fills with donor and changes the angle at which the donor leaves the peel guide (referring to figures 1 and 2).

Applicant respectfully submits that the Examiner has misread Paulson. Figure 1 in Paulson to which the Examiner refers is a description of the prior art. In Figure 2, an intermediate member, guide bar 54, is positioned between peel bar 49 and take up reel 20 to function in substantially the same way as in the Japanese reference to avoid any change in the angle at which the donor leaves the peel guide as the take up reel fills with donor. In Figure 1, the Examiner is precisely correct that this intermediate member does not appear, but Figure 1 is an example of the prior art over which this invention is an improvement. As described in Paulson, in reference to Figure 1 “the angle of the lead carrying the printed layer as the web is peeled away from the printed layer is shallow and also changes as the take up roll for the web that is used gets larger.” Clearly, Paulson does not anticipate claim 1 because in the two arrangements pictured, either the angle at which the donor leaves the peel guide does not change (Figure 2) or if it does change, the angle between the donor and the laminated article also changes. As Paulson states, “because the peel off angle is not optimized, the problems with flakes or flash from the printed lamination material remain.”

The same distinctions explained with respect to claim 1 also appear in claim 3 which is dependent on claim 1 and in claim 20 at f(ii).

Claims 6, 13-16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Ohta. The Examiner relies on Ohta to show an exit platen 34 that is angled with respect to the paper path, but doesn't point to where in Ohta this teaching appears or why one skilled in the art would use the angle platen of Ohta in Okada.

First, Ohta does not supply the constant angle already discussed as being missing from Okada. Further the element labeled 34 in Ohta is a receiving table, not an exit platen. The Examiner gives no explanation for why he believes receiving table 34, which appears to simply catch articles therein, teaches the exit platen claimed by Applicant. The difference is more than semantic. As described at paragraph 36, and shown most clearly at Figure 4, the angle of the platen 72 causes the trailing edge 46 of the media to release the interstitial laminate 76. The table of Ohta performs no such function, the articles being completely released by the time they are received on table 34.

Claims 20 and 22 are rejected as obvious over Paulson. For reasons already discussed, Paulson does not show the limitation of paragraph f(ii) of Figure 20. Claim 22 which depends from Claim 20 is likewise patentable.

Applicant respectfully submits that none of the art, either taken alone or in combination, anticipates the present invention as claimed or renders it obvious. Accordingly, reconsideration and favorable action are requested.

Dated: December 22, 2003

Respectfully submitted,

HARTER, SECREST & EMERY LLP

A handwritten signature in black ink, appearing to read "S. Salai", written over a horizontal line.

Stephen B. Salai, Reg. No. 26,990

To: Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604
Telephone: 585-232-6500
Facsimile: 585-232-2152